

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: August 14, 2003

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA03-0048 for Coastal Development Permit

PROPOSAL: Construction of approximately 390 lineal feet of new 7½ feet wide sidewalk including curb, gutter, and guard rail on the northeasterly side of Pacific Coast Highway right-of-way. The new sidewalk will connect with existing sidewalk on either side of the project and complete the sidewalk on this side of PCH. Included in the proposal are access stairs and a handicap accessible ramp from the new sidewalk to the County's 11th Street Beach, also known as Kid's Beach.

LOCATION: In the community of Sunset Beach, on the northeasterly side of Pacific Coast Highway at 11th Street. The site is known as the 11th Street Beach or Kid's Beach. Second Supervisorial District

APPLICANT: State of California Department of Transportation (Caltrans) and the County of Orange Public Facilities and Resources Department (PFRD)

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA03-0048 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject property is Caltrans right-of-way (PCH) and a public beach area providing access to a back channel of Huntington Harbour and Sunset Beach waterways. The beach area is referred to as the 11th Street public beach in the Sunset Beach Specific Plan/LCP and known locally as Kid's Beach. The site is currently used to launch small boats and some swimming activity. The site is also used for limited commercial uses including two kayak rental businesses that border the site to the north and south along PCH adjacent to the beach area. No sidewalk improvements along the subject property have been previously constructed. Existing sidewalk improvements north and south of the subject property were built years ago in conjunction with the construction of adjacent commercial development. To provide for safe pedestrian traffic on this side of PCH, Caltrans and PFRD, as co-applicants, propose to construct a sidewalk linking the north and south sidewalks.

The site currently consists of a metal beam guardrail, an asphalt dike, and a portion of a sandy beach area descending toward Huntington Harbour. The proposed project would involve public surveys, geotechnical and hazardous materials investigations, the removal of an existing metal beam guardrail and asphalt dike and the construction of curb, gutter, hand railing, handicap access ramp, and concrete sidewalk improvements along a 390-foot section of PCH. The proposed project is being implemented to connect existing pedestrian access north and south of the subject property. The concrete sidewalk would be constructed on fill retained by a cut-off wall with a concrete curb to match the existing AC dike elevation at the back of the walkway.

SURROUNDING LAND USE ADJACENT TO PCH: (assumes PCH runs north and south)

Direction	Land Use Designation	Existing Land Use
Project Site	SBW “Sunset Beach Waterways	PCH right-of-way and 11 th Street Beach or Kid’s Beach
North	SBT “Sunset Beach Tourist”	Commercial business
South	SBT “Sunset Beach Tourist”	Site used for outdoor advertising sign
East	SBW “Sunset Beach Waterways	Public channels and waterways
West	SBT “Sunset Beach Tourist”	Commercial businesses



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to each property owner of record within 300 feet of the subject site, the LCP Board of Review and the California Coastal Commission. Coastal Development regulations also require mailing of the notice to the resident of a house within 100 feet of the subject site. However, the Post Office in Sunset Beach does not deliver mail directly to the homes. All U.S. Postal Service delivery is through post office boxes at the Sunset Beach Post Office. To satisfy Coastal Development requirements, a Notice of Hearing was posted at the Sunset Beach Post Office. Additionally, a Notice of Hearing was posted at the site as well as the Osborne Building. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to three County Divisions, Caltrans, the Department of Fish and Game and the Sunset Beach LCP Review Board. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The proposal was reviewed by the Sunset Beach LCP Review Board and was approved at its July 22, 2003 meeting.

CEQA COMPLIANCE:

Negative Declaration No. IP02-195 (Exhibit 3) has been prepared for this proposal. It was posted for public review on June 17, 2003 and became final on July 17, 2003. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The project will have minor impacts on traffic during project construction and will cause a reduction in the current historical size of Kid's Beach. Construction of the proposed project is expected to occur over an 8-10 week period (40-60 working days), beginning about January 2004, and ending in March 2004. Primary construction activities would involve the removal of the existing guardrail and asphalt dike. No significant vegetation removal is expected. Project area traffic will only be affected during construction and existing parking along the roadway would be retained upon completion of the project. Pedestrian traffic will be re-routed to the south side of PCH during construction.

The project is not anticipated to result in an increase in vehicle trips to the site beyond those associated with project construction activities. During project construction, one lane of northbound PCH may need to be temporarily closed. During this period, traffic flow would be reduced to one-lane in the northbound direction. Temporary traffic control measures would be implemented in accordance with Chapter 5 of the Caltrans Traffic Manual and would be reviewed and approved several days before work commences by both the County and Caltrans. It was noted in the Negative Declaration prepared for this proposal that northbound traffic at the site is between 40,000 to 42,500 cars per day. The impact on traffic flow and congestion due to the one-lane reduction over the part of the construction period would be temporary and short-term and conducted according to established traffic control practices. Although the proposed project may temporarily reduce the capacity of PCH during construction, the County and Caltrans do not

anticipate significant traffic impacts due to the short-term nature of the lane closure and compliance with traffic control measures required. No long-term traffic impacts would occur.

Construction equipment anticipated to be utilized includes: pneumatic jackhammers, vehicle mounted hydraulic hammers, backhoes, loaders, and excavator. Construction work will occur between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday, and would not occur on Sundays or Federal Holidays as specified in the County Noise Ordinance. Therefore, noise associated with the construction activities would be compatible with the County's Noise Ordinance. A condition of approval requires the project to be carried out under the County Noise Ordinance.

Future improvements to PCH were addressed in the Sunset Beach LCP. Under the Transportation Component of Land Use Plan, the following two policies address this proposal. These two policies are as follows (emphasis added):

D.1. Increase pedestrian and bicycle opportunities.

D. 13. Future planning of Pacific Coast highway shall take into consideration upgrading of the highway to provide better transit; bicycle and pedestrian opportunities; coordinate traffic signals; optimize traffic flow; and construct a landscape median.

The proposed sidewalk extension along Kid's Beach is consistent with the applicable policies of the Sunset Beach LCP Land Use Plan.

While the construction of the proposed sidewalk addition would appear to decrease the size of Kid's Beach, the beach area remains consistent with that depicted in Sunset Beach SP/LCP. This is because a portion of the beach is within PCH right-of-way, which was not part of beach area in the Sunset Beach Waterways land designation of the LCP. As shown on Figure 12 of the Sunset Beach SP/LCP (Exhibit 2) land within the PCH right-of-way was not considered to be part of the beach area. Under the Sunset Beach LCP the beach is within the SBW "Sunset Beach Waterways" land use designation. Under the district regulations, Section D.3.d. (Sunset Beach Waterways) 7c states in part:

To meet visitor serving needs, the 11th Street public beach shall be retained in its present general configuration, or if reconfigured, shall provide equivalent recreational opportunities and shall be properly maintained.

While the physical size of the beach is being reconfigured, in addition to the sidewalk, the proposal adds two new access points to the beach. An ADA compliant ramp is being added to the north side of the beach and a stairway is being added to the south side of the beach. Since the two new access points provides additional and equivalent recreational opportunities, the sidewalk, ramp and stairs proposed are consistent with the Sunset Beach SP/LCP.

An issue of concern was raised by the Coastal Commission was that of the location of the mean high tide line (MHTL) as it applies to project construction. According to the information submitted by the applicant, the project site is located above the MHTL, but is subject to tidal influences. A condition of approval is recommended to require the applicant to provide information on how the MHTL was calculated for this proposal.

CONCLUSION:

Staff supports the proposal and makes a recommendation as follows based on the following reasons:

1. The completion of the sidewalk in front of Kid's Beach significantly improves public safety for pedestrians traveling along PCH.
2. The addition of the sidewalk will not reduce the configuration of Kid's Beach from the perspective of the Sunset Beach SP/LCP.
3. The project will result in the addition of a ramp and stairs to the beach from the sidewalk providing for handicap access and general access to the beach that did not exist prior to this project.
4. The existing parking along PCH will remain after project completion.
5. The project as proposed is consistent with both the Land Use Plan and the Land Use Regulation of the Sunset Beach SP/LCP.
6. The proposal was reviewed and approved by the Sunset Beach LCP Review Board.
7. The impact on northbound PCH traffic could be significant during the construction phase, but will only be temporary and last for a short duration.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA03-0048 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

(signed copy on file)

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Figure 12 of the Sunset Beach SP/LCP
- 3. Environmental Documentation
- 4. Site Photos
- 5. Site Plans
- 6. Memo from PFRD dated August 14, 2003 detailing the Procedures for Establishing the Mean High Water Line Boundaries. (Added by the Zoning Administrator August 14, 2003).

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.